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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,793	03/15/2004	Earl H. Bullock		9203

7590 01/27/2005

Ted Masters
23344 8th Street
Newhall, CA 91321

EXAMINER

LEGESSE, NINI F

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,793

Applicant(s)

BULLOCK, EARL H.

Examiner

Nini F. Legesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's response to the office action of 12/14/04 is acknowledged on 01/05/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler (US Patent No. 5,443,265).

Wheeler discloses a golfing stroke trainer comprising:

With regards to claim 9, a flexible sheet (6, on column 3 lines 50-51 it is noted that the mat can be made of any type of thin material. And inherently any material has some degree of flexibility) having a surface (see Fig. 2) and a longitudinal axis (12), a putter toe line disposed upon said surface parallel to the longitudinal axis (as seen on Fig. 2, the top line where reference 10 is shown), a putter heel line disposed upon said surface parallel to the longitudinal axis (as seen on Fig. 2, the bottom line that is opposite reference numeral 10), and said putter toe line spaced apart from said putter heel line by about the length of the putter head (see Fig. 2).

With regards to claim 10, putter toe line and putter heel lines having outside boundaries (see Fig. 2, the very end edge where item 10 is shown and the very end edge opposite to this reference number) and the perpendicular distance between the

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boundaries is considered about five inches because a standard club head has a width of about 5".

With regards to claim 12, the mat appears to have a length of about 26 inches because on column 3, line 37 it is stated that the long arms 19 are in a range of 10-60 inches and when referring to Fig. 2 it is clearly shown that the start of the arm is at the center of the mat. Thus, if the arm is about 13" then it means the whole mat would be about 26" and the width appears to be about 51/2".

With regards to claim 14, first and second reference lines (the top and the bottom middle lines as shown on Fig. 2 wherein the indicator numbers 8 are located).

Claims 9, 10, 13, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dionne et al. (US Patent No. 5,645,494).

Dionne discloses a golfing stroke trainer comprising:

With regards to claim 9, a flexible sheet (20, see column 3 lines 1-9) having a surface (24) and a longitudinal axis (40), a putter toe line disposed upon said surface parallel to the longitudinal axis and a putter heel line disposed upon said surface parallel to the longitudinal axis (various grid line locations can be considered as heel and toe lines), and said putter toe line spaced apart from said putter heel line by about the length of the putter head (see Fig. 1).

With regards to claim 10, putter toe line and putter heel lines having outside boundaries (the very end edges of the lines could be considered as boundaries) and the

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perpendicular distance between the boundaries could be any distance including about five inches.

With regards to claim 13, a circle having a diameter approximately equal to that of a golf ball (25) and any of the grids could represent a centerline that is parallel to the longitudinal axis and equidistant between a putter toe line and a putter heel line (see Fig. 1).

With regards to claim 14, first and second reference lines (multiple grid lines could be considered as such, please see Fig. 1).

With regards to claim 15, the sheet fabricated from a layer of soft polyester fabric backed with a layer of rubber (see column 3 lines 40+).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dionne or Wheeler in view of Rydeck (US Patent No. 4,355,810).

Dionne and Wheeler disclose the invention as recited above but they fail to explicitly state if the thickness of the sheet is no greater than one sixteenth of an inch. From Applicant's specification and claim, it appears that this specific thickness is provided so that the device could be rolled up into a cylindrical shape. Rydeck discloses a golf-

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training mat that appears to have the stated thickness (see Fig. 3) and the device is capable of being rolled up into a cylindrical shape as shown on Fig. 6. Thus it would have been obvious to one of ordinary skill in the art to provide the Dionne or the Wheeler device with the claimed thickness and roll-up ability as taught by Rydeck in order to provide a device that is easily portable.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 9,11, and 16 above, and further in view of Gettemeier et al. (US Patent No. 4,989,880).

The references used above fail to include a cylindrical storage, however the use of a cylindrical storage in a game apparatus is old and Gettemeier is one example that indicates that the use of a storage container to store a rolled up pad (see Figs. 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for example the Dionne's device with a storage container as taught by Gettemeier for ease of transporting the device.

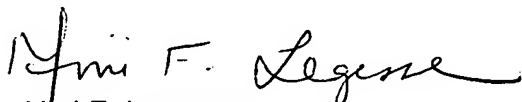
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nini F. Legesse

01/25/05